IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 21927 of 2004

Between:

G. Rama Murthy, S/o. G. Krishna Murthy,
Working as Assistant Manager (Materials), Regional Stores, Tirupathi, Chittoor District.

.... PETITIONER

AND

1 The Dy. Chief Personnal Manager, APSRTC, Nellore , Nellore

District.
2 The Executive Director, APSRTC, Nellore Zone, Nellore

District.
3 The Regional Manager, APSRTC, Nellore , Nellore District.
4 S.K.I. Basha, S/o. age not known, working as

Dy.Superintendent,Udayagiri Depot, APSRTC, Nellore

District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus calling for the records relating to the Office Order No. E2-813 (15)/2004-NZ, dt. 25-10-2004 issued by the 2nd respondent and the consequential Office Order NO. E2/813(10)/04-RM (N), dt. 17-11-2004 of the 3rd respondent and declare the same as illegal, arbitrary and contrary to the instructions of the Managing Director issued vide Circular No. PD-43/2004, dt. 17-11-2004 and further direct the respondents to

continue the petitioner as Asst. Manager (Materials) Regional Stores, Tirupathi, Chittoor District.

Counsel for the Petitioner: MR.P.RAGHAVENDER REDDY

Counsel for the Respondent Nos.1 to 4: MR.R.MANMADHA REDDY (SC FOR APSRTC)

The Court made the following :

ORDER : -

The petitioner is working as Assistant Manager (Materials) at Tirupathi. He is transferred to Udayagiri in the place of respondent No.4 through proceedings, dated 17.11.2004, by the third respondent. He challenges the transfer.

2. Learned counsel for the petitioner submits that the post held by the petitioner is Assistant Manager (Materials), whereas the post to which he is transferred is Deputy Superintendent, which is inferior in rank. His second contention is that the Corporation issued a circular, as late as on 17.11.2004, directing that no transfer shall be made after June or before April of an year, and the present transfer is clearly violative of the circular.

3. Learned Standing Counsel for the respondents 1 to 3, on the other hand, submits that the transfer is warranted on administrative grounds and the circular is directory and not mandatory in nature.

4. This Court would certainly have undertaken adjudication in the matter, but for the fact that the petitioner has already made a representation to the respondents 1 and 2. The points urged by the petitioner are by no means matters inconsequence. If the transfer is going to result in variation as to rank, and if it is in violation of circular issued by the Corporation, it certainly needs to be taken into account. The third respondent was obviously not aware of the circular, dated 17.11.2004, because it was issued on the very day, on which the impugned order came to be passed.

5. For the foregoing reasons, the writ petition is disposed of directing that the petitioner shall not be relieved from the existing place of work, till the respondents 1 or 2, as the case may be, pass orders on the representation filed by the petitioner. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Sd/-

ASSISTANT REGISTRAR

Dated: 30th November, 2004

RAR

To

1 The Dy. Chief Personnal Manager, APSRTC, Nellore , Nellore

District.

2 The Executive Director, APSRTC, Nellore Zone, Nellore

District.
3 The Regional Manager, APSRTC, Nellore , Nellore District.
4 Mr.SKI Basha, Dy. Superintendent, Udayagiri Depot, APSRTC

Nellore District.

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